

## **AGENDA**

### **SPECIAL MEETING BOARD OF MAYOR AND ALDERMEN (PUBLIC HEARING – REZONINGS)**

**March 22, 2004**

**7:00 PM  
Aldermanic Chambers  
City Hall (3<sup>rd</sup> Floor)**

1. Mayor Baines calls the meeting to order.
2. Mayor Baines calls for the Pledge of Allegiance.  
  
A moment of silent prayer is observed.
3. The Clerk calls the roll.
4. Mayor Baines advises that the purpose of the special meeting is to hear those wishing to speak in favor of or in opposition to proposed Zoning Ordinance changes; that the Clerk will present the proposed Zoning Ordinance changes for discussion at which time those wishing to speak in favor will be heard, followed by those wishing to speak in opposition; that anyone wishing to speak must first step to the nearest microphone when recognized and recite his/her name and address in a clear, loud voice for the record, that each person will be given only one opportunity to speak; and any questions must be directed to the Chair.
5. The Clerk presents the first proposed Zoning Ordinance change:  
  
“Amending the Zoning Ordinance of the City of Manchester by extending the B-2 (General Business) zoning district to include a portion of TPK 3-5A, a portion of TPK 3-5B, a portion of TPK 3-6, TPK 3-6A, TPK 3-7, & TPK 3-8 currently zoned R-3 (Urban Multifamily).”

6. Mayor Baines requests that Robert MacKenzie, Director of Planning, make a presentation.
7. Mayor Baines calls for those wishing to speak in favor.
8. Mayor Baines calls for those wishing to speak in opposition.
9. The Clerk presents the second proposed Zoning Ordinance change:

“Amending the Zoning Ordinance of the City of Manchester by changing the maximum height of residential structures in the R-3 (Urban Multifamily) district from 35 feet to 45 feet.”
10. Mayor Baines requests that Robert MacKenzie, Director of Planning, making a presentation.
11. Mayor Baines calls for those wishing to speak in favor.
12. Mayor Baines calls for those wishing to speak in opposition.
13. Mayor Baines advises that all wishing to speak having been heard, the testimony presented will be referred to the Committee on Bills on Second Reading to be taken under advisement with reports to be made to the Board of Mayor and Aldermen at a later date.
14. Mayor Baines advises that this being a special meeting of the Board, no further business can be presented and a motion to adjourn would be in order.

# City of Manchester New Hampshire

*In the year Two Thousand and Four*

## AN ORDINANCE

"Amending the Zoning Ordinance of the City of Manchester by extending the B-2 (General Business) zoning district to include a portion of TPK 3-5A, a portion of TPK 3-5B, a portion of TPK 3-6, TPK 3-6A, TPK 3-7, & TPK 3-8 currently zoned R-3 (Urban Multifamily)."

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester,  
as follows:

(General Business) zoning district to include a portion of TPK 3-5A, a portion of TPK 3-5B, a portion of TPK 3-6, TPK 3-6A, TPK 3-7, & TPK 3-8 currently zoned R-3 (Urban Multifamily)." and being more particularly bounded and described as follows:

Beginning at a point on the centerline of Second Street, said point being on the zone boundary line of the B-2 (General Business) zone district and the R-3 (Urban Multifamily) zone district, prior to this amendment;

Thence, southerly along the centerline of Second Street, approximately 200 ft. to a point on the centerline of Second Street and the centerline of School Street;

Thence, easterly along the centerline of School Street and as extended, approximately 215 ft. to a point on the centerline of the On-Ramp to I-293;

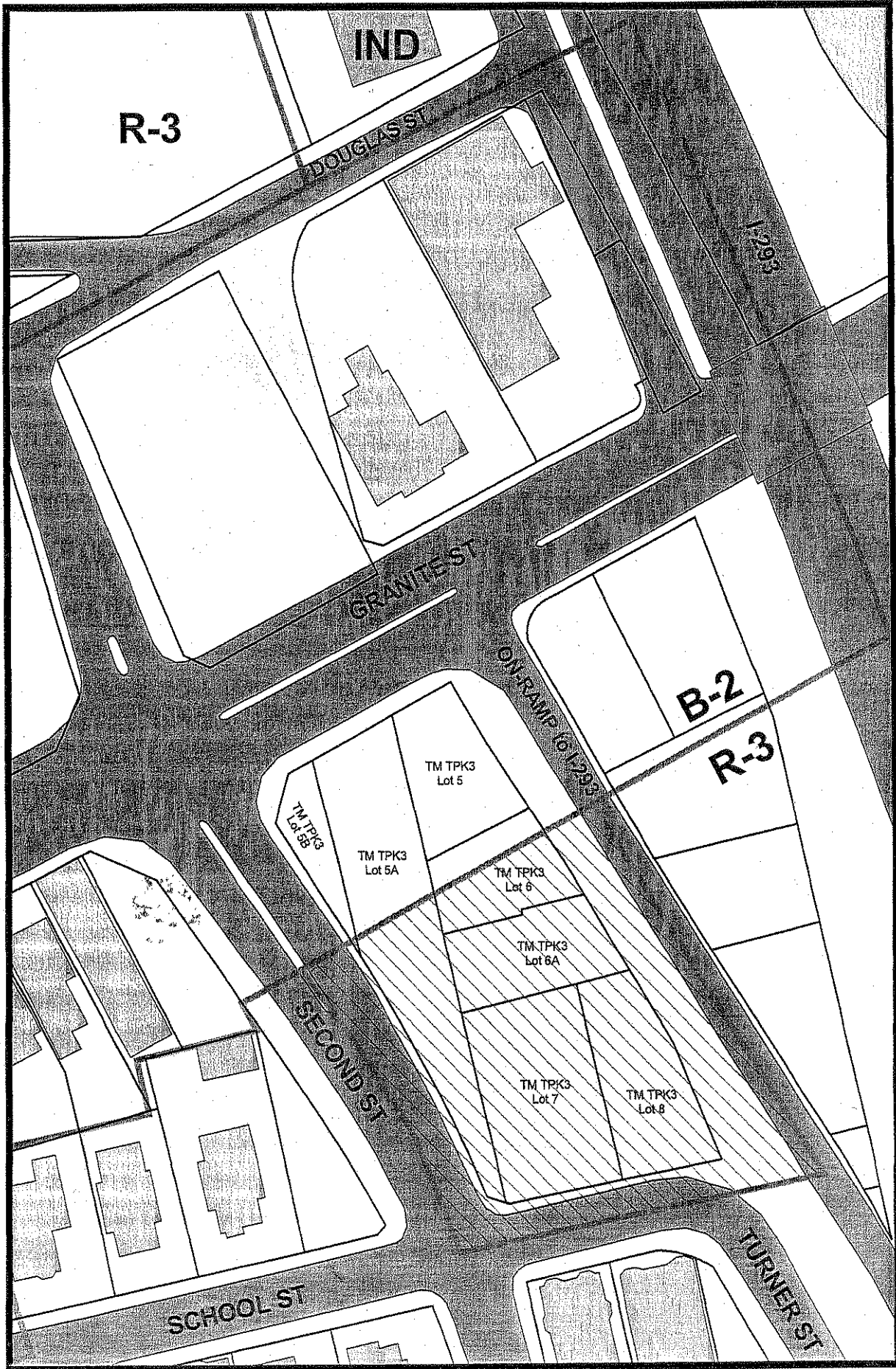
Thence, northerly along the centerline of the On-Ramp to I-293 approximately 260 ft. to a point, said point being on the zone boundary line of the B-2 (General Business) zone district and the R-3 (Urban Multifamily) zone district, prior to this amendment;

Thence, westerly along the zone boundary line of the B-2 (General Business) zone district and the R-3 (Urban Multifamily) zone district prior to this amendment, a distance of 200 ft. to a point, said point also being the point of beginning.

Said description to include a portion of TPK 3-5A, a portion of TPK 3-5B, a portion of TPK 3-6, TPK 3-6A, TPK 3-7, & TPK 3-8 and consisting of approximately 1.34 acres of land.

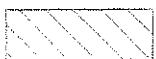
SECTION II. Resolve this ordinance shall take effect upon passage.

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Map prepared by the City of Manchester Planning & Community Development Department (D. Beauchesne), 3 February, 2004.

## ZONING PETITION R-3 to B-2



Area proposed to be rezoned from R-3 to B-2

50 0 50 100 Feet



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# Raphael Club

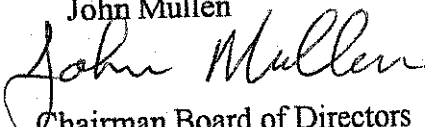
To : The Board of Mayor and Aldermen  
City of Manchester, N.H

01-23-04

From : The Raphael Social Club  
237 Granite St.  
Manchester, N.H.

As you probably know the State of N.H., Dept. of Transportation will be taking our land and building by eminent domain later this year, for the construction of a south bound off ramp from 293 onto Granite St.. We have entered into an agreement with the State to purchase the property directly across the street from our present location. This property is bounded by Granite St. to the north, Second St. to the west, School St. to the south and the on ramp to 293 on the east. At the present time this vacant property is partially zoned B-2 and R-3. We are asking that the lots that are now zoned R-3 ( TPK 3-5A, TPK 3-6, TPK 3-6A, TPK 3-7, TPK 3-8 ) be rezoned to B-2 . This will enable us to erect our new building on this property. I would like to thank you in advance for your consideration in this matter.

Sincerely  
John Mullen

  
Chairman Board of Directors  
Raphael Social Club

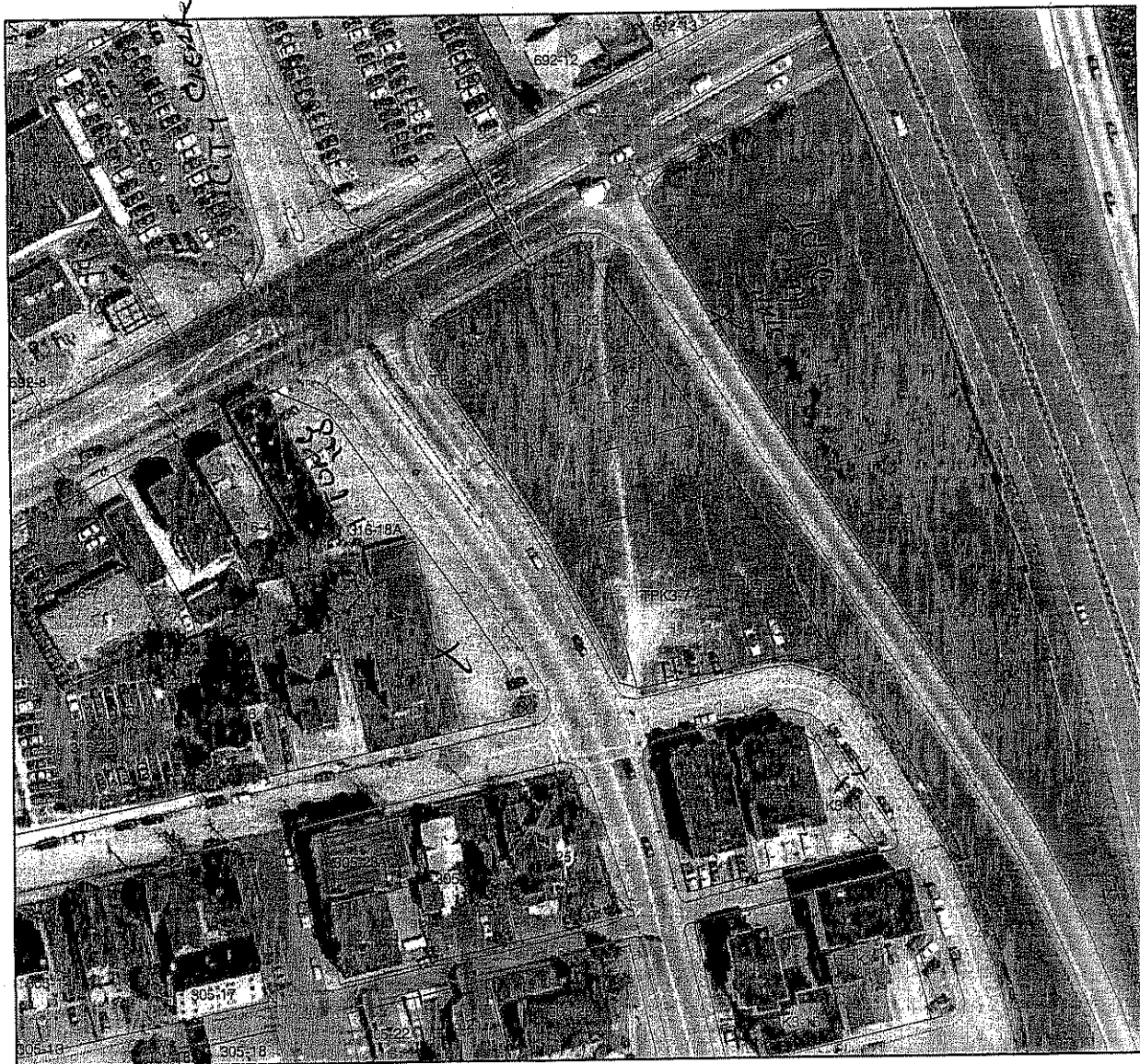
February 17, 2004  
In Board of Mayor and Aldermen.

On motion of Alderman Thibault, duly seconded by Alderman Smith, it was voted to refer the rezoning petition to public hearing on March 22, 2004 at 7:00 PM and to the Committee on Bills on Second Reading.

  
City Clerk

237 Granite Street - Manchester, New Hampshire 03102 - (603) 623-9018

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Robert S. MacKenzie, AICP  
Director

# CITY OF MANCHESTER

## Planning and Community Development

Planning  
Community Improvement Program  
Growth Management



Staff to:  
Planning Board  
Heritage Commission  
Millyard Design Review Committee

February 12, 2004

Honorable Board of Mayor and Aldermen  
City Hall  
One City Hall Plaza  
Manchester, New Hampshire 03101

*re: Technical Review of Two Proposed Zoning Changes*

Honorable Board Members:

In accordance with the procedures on rezoning requests, I am providing a report on the technical merits of two proposed zoning changes. These include: 1) extending the B-2 district southerly to include the entire block on the east side of Second Street from Granite to School Streets; and 2) changing the height of housing in the R-3 district from 35 to 45 feet.

From a technical standpoint, the two changes are in order and may be forwarded to hearing. The applicants must provide the additional information required by the ordinance prior to the hearing.

Technical comments on the proposed changes:

- 1) B-2 District on Second Street. This is a request by the Raphael Club to allow the proper zoning for a social club on a new site. The State DOT will be acquiring their current location as part of the new Exit 5 interchange. The zoning change would be an extension of an existing B-2 zoning district along Granite Street. As such, I see no technical issues with the request.
- 2) Height of Housing in the R-3 district. This is a request by Nick Lazos on behalf of clients. Currently the maximum height in the R-3 district is three stories or 35 feet. In an increasing number of situations, 35 feet does not allow a full three stories with a gable roof above. In essence, these would have to be flat roof buildings. In most circumstances, a gable roofed building is more esthetically pleasing than a flat roof. The staff has previously been considering this change and as such there are no technical reasons with the request.

If you have any questions, I will be available at your meeting.

Sincerely,

Robert S. MacKenzie, AICP

Director of Planning & Community Development

One City Hall Plaza, Manchester, New Hampshire 03101

Phone: (603) 624-6450 FAX: (603) 624-6529

E-mail: [planning@ci.manchester.nh.us](mailto:planning@ci.manchester.nh.us)

[www.ci.manchester.nh.us](http://www.ci.manchester.nh.us)

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*City of Manchester Planning Board*  
c/o City of Manchester Planning & Community Development Dept.  
One City Hall Plaza  
Manchester, New Hampshire 03101  
603-624-6450  
Fax (603-624-6529)

March 17, 2004

Honorable Board of Mayor and Aldermen  
Manchester City Hall  
One City Hall Plaza  
Manchester, NH 03101

*Re: Amendment to Zoning Map/Amendment to Zoning Ordinance*

Honorable Board Members:

At our business meeting in February, the Planning Board discussed two proposed amendments to the Zoning Map and Ordinance. It is our understanding that these items are pending before your Board and are scheduled for a public hearing on March 22, 2004. The Board would like to offer the following comments on the proposed changes:

Map Revision, property on Granite Street. This particular proposal involves State-owned property along Granite Street and Second Street. It is our understanding that the Raphael Club is negotiating with the State to acquire this property for the location of their new club since the State is taking their current site for the reconstruction of the highway interchange. As currently zoned (split R-3/B-2), a social club could not be built on the entire site, and the Raphael Club is looking to rezone the R-3 portion to B-2. The Planning Board is not supportive of this request for rezoning for several reasons. This area of the City is considered part of the gateway to the City and has been discussed, conceptually, as being part of the Second Street revitalization. It has the potential for being an important economic driver for the community. Rezoning at this time is potentially premature and could possibly jeopardize larger scale opportunities for this area. The Board believes that a master plan for development of this general Second Street area should be created before any rezoning is proposed on this property. The Board also believes that piecemeal zoning changes and piecemeal development of the Granite Street area is not appropriate.

Ordinance Amendment, R-3 District, to increase Building Height. This particular request would allow buildings in the R-3 zoning district to have a maximum height of 45 feet, rather than the current height limitation of 35 feet. The Planning Board has been looking at increasing the maximum height of buildings in other zoning districts and has no objection to the proposed change.

Thank you for allowing the Planning Board to comment on these proposed changes pending before the Board of Mayor and Aldermen.

Sincerely,

*Joan D. Bennett*

Joan D. Bennett, Chair  
Manchester Planning Board

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# Raphael Club

March 19, 2004

To : City of Manchester  
Planning Board  
From : The Raphael Social Club Inc.  
237 Granite Street  
Manchester, N.H. 03102

To whom it may concern :

As you are aware, the State of New Hampshire is taking our property by eminent domain for the 293 State Highway Project, which will provide an exit ramp onto Granite St., due to this, the Raphael Social Club is being forced to move.

The Governor's Council agreed two years ago to sell us the land directly across the street from our present location. This empty lot, which is owned by the State, has an address of 15 School St. On March 11th of this year the Governor's Council again approved the sale of this property to us, rubber stamping the agreement that the State of New Hampshire Department of Transportation had made with us.

One of the final steps that we must take, before construction on our new building can begin, is having the property entirely zoned for business. At the present time the lot is divided in two zones. The half on the Granite St side is zoned for business (B-2) and the other, on the School St. side is zoned residence (R-2).

This area of Granite St., at the present time, is made up of mostly businesses, Cumberland Farms Convenience Store, Mobile Gas Station, Tung Ho Restaurant and the Raphael Social Club. We believe that the adjacent area will not be affected since we have been a good, quiet neighbor here since 1934. We also believe that there will be no additional impact on municipal services, facilities or environment because our move will be just across Granite St.

The Board of Directors of the Raphael Social Club is making this request for the zone change on behalf of the Club. The Board members are listed below along with our General Contractor and Attorney.

Respectfully

John Mullen-- Chairman Board of Directors

Roger Ballard 55 Linda Lane Manchester, Nh 03104 603-622-1721	Robert Ballard 221 Cushing Ave. Manchester, NH 03109 603-627-1249	Mark Burkush 167 Kenny St Manchester, NH 03103 603-627-2879
Armand Dubois 20 Exchange Ave. Manchester, NH 03104 603-622-1321	Tom Hanley 16 Shore Dr. Goffstown, NH 03045 603-627-1937	Jack Jarvis 272 Webster St Manchester, NH 03104 603-627-1569
John Mullen 38 Glen Bloom Drive Manchester, NH 01109 603-669-7759	TRB Development Group 38 Londonderry Turnpike Hooksett, NH 03106 603-669-8500 Barry Boisvert - Vice Pres.	Arthur M Connelly P.C. 37 Bay Street Manchester, NH 03104 603-668-4582

237 Granite Street - Manchester, New Hampshire 03102 - (603) 623-9018

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# City of Manchester New Hampshire

*In the year Two Thousand and Four*

## AN ORDINANCE

"Amending the Zoning Ordinance of the City of Manchester by changing the maximum height of residential structures in the R-3 (Urban Multifamily) district from 35 feet to 45 feet"

BE IT ORDAINED, By the Board of Mayor and Aldermen of the City of Manchester,  
as follows:

SECTION I.) Amending the Zoning Ordinance of the City of Manchester by amending Article 6, Section 6.07 Table of Dimensional Regulations for R-3 (Urban Multifamily) district, by removing 35 (feet) under the column of Maximum Height, and inserting in its place 45 (feet).

SECTION II.) Resolve this ordinance shall take effect upon passage.

**SL&V**  
ATTORNEYS AT LAW

February 10, 2004

VIA Hand Delivery

February 17, 2004.  
In Board of Mayor & Aldermen.

On motion of Alderman Forest,  
duly seconded by Alderman  
Osborne, it was voted to refer  
the rezoning petition to  
public hearing on 03/22/2004  
at 7:00 PM and to the Cmte.  
on Bills on Second Reading.

*L. R. Bernier*  
City Clerk.

Board of Mayor and Aldermen  
c/o Manchester City Clerk  
City Hall  
One City Hall Plaza  
Manchester, NH 03101

**Re: PEASE / VAILAS REALTY HOLDINGS, LLC Request for Zoning Amendment for 55  
Riverfront Drive.**

Dear Mayor Baines:

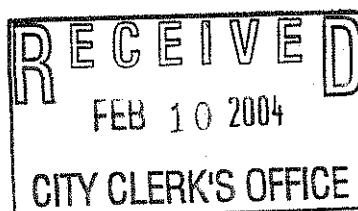
This request for an amendment to the Manchester Zoning Ordinance is being made at the request of my client, PEASE/VAILAS REALTY HOLDINGS, LLC which proposes to develop the property located on the west bank of the Merrimack River known as 55 Riverfront Drive. The Property is located just north of the existing Meetinghouse Place. My client proposes to construct a three story condominium on the Property but has run into an issue relating to the allowed height of a peaked roof for the building in the R-3 Zone.

Our request relates to a technical revision in the Zoning Ordinance which would allow the construction of a three (3) story building with a height of up to 45 feet to the peak of its roof. As part of the adoption of the new Ordinance in February of 2001, the Board permitted the construction of three (3) story buildings in the R-3 Zone but restricted the height to the roof peak to 35 feet. The effect is to allow the construction of a three story building but only with a flat roof. The formal request is to change the reference to "35" in the Height column of Article 6.07 Table Of Dimensional Regulations for the "Base District R-3 Residential, first 3 units" to "45". This change will still limit buildings to three (3) stories but will permit the development of a more architecturally desirable peaked roof for the building.

I have already discussed this request with the Planning Department and they support the revision. I attach the Memorandum of support required by the Zoning Ordinance

STEBBINS, LAZOS & VAN DER BEKEN  
PROFESSIONAL ASSOCIATION

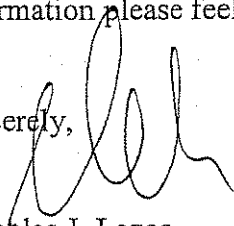
The Daily Mirror Building  
66 Hanover Street, Suite 301  
Manchester, NH 03101  
Telephone (603) 627-3700  
Facsimile (603) 641-8900



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Thank you for your attention to this matter. If you should need any further information, please feel free to call me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nicholas J. Lazos', written over the word 'Sincerely,'.

Nicholas J. Lazos

cc: Robert MacKenzie

cc: Client

cc: City Clerk

**MEMORANDUM IN SUPPORT OF  
TECHNICAL CHANGE TO ZONING ORDINANCE**

This memorandum is submitted in support of the proposal to make a technical revision to the Zoning Ordinance, which would allow the construction of three (3) story residential building with a height of 45 feet to the peak of its roof in the R-3 Zone.

1. As part of the adoption of the new Ordinance in February of 2001, the Board permitted the construction of three (3) story buildings in the R-3 Zone but restricted the height of a roof peak to 35 feet. This prevents the construction of a three story building with a peaked roof. The formal request is to change the reference from "35" in the Height column of Article 6.07 Table of Dimensional Regulations for the "Base District R-3 Residential, first 3 units" to "45". This change will still limit the buildings to three stories but will permit the development of a more architecturally desirable peaked roof of the buildings.
2. The effect of the proposed zoning ordinance amendment would be to allow traditional peaked roofs on three story buildings in the R-3 Zone. The Petitioner will provide the Board with a Plan comparing otherwise identically three story buildings under the Ordinance as revised, allowing for peaked roofs and under the existence Ordinance, limiting roofs to 35 feet.
3. The proposed change will allow for more architecturally pleasing design for buildings in the R-3 Zone and will have no effect, otherwise, in the economy municipal services and neighborhoods.

We have also done a study of the height of existing buildings and have determined the buildings in the immediate neighborhood have the following heights as calculated under the Ordinance:

Ramada Inn	48 feet
Dockside I and II	39 feet
Meetinghouse Place	51 feet
Amoskeag School	58 feet

4. This request has the support of the abutting property owners.

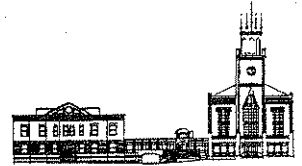


Robert S. MacKenzie, AICP  
Director

# CITY OF MANCHESTER

## Planning and Community Development

Planning  
Community Improvement Program  
Growth Management



Staff to:  
Planning Board  
Heritage Commission  
Millyard Design Review Committee

February 12, 2004

Honorable Board of Mayor and Aldermen  
City Hall  
One City Hall Plaza  
Manchester, New Hampshire 03101

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If you have any questions, I will be available at your meeting.

Sincerely,

Robert S. MacKenzie, AICP

Director of Planning & Community Development

One City Hall Plaza, Manchester, New Hampshire 03101

Phone: (603) 624-6450 FAX: (603) 624-6529

E-mail: [planning@ci.manchester.nh.us](mailto:planning@ci.manchester.nh.us)

[www.ci.manchester.nh.us](http://www.ci.manchester.nh.us)



*City of Manchester Planning Board*  
c/o City of Manchester Planning & Community Development Dept.  
One City Hall Plaza  
Manchester, New Hampshire 03101  
603-624-6450  
Fax (603-624-6529)

March 17, 2004

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Manchester City Hall  
One City Hall Plaza  
Manchester, NH 03101

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Thank you for allowing the Planning Board to comment on these proposed changes pending before the Board of Mayor and Aldermen.

Sincerely,

*Joan D. Bennett*

Joan D. Bennett, Chair  
Manchester Planning Board

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